

Appl. No. : 10/647,137
Filed : August 21, 2003

REMARKS

Status of the Claims

In the Office Action mailed May 11, 2006, the Examiner objected to and/or rejected all of the then-pending claims, Claims 1-20, on various grounds. Applicants have presently amended Claims 1, 13, and 18-20, and have canceled Claim 17, without disclaimer or prejudice toward future prosecution. New independent Claim 21 has been added. Thus, Claims 1-16 and 18-21 are currently pending. The specific amendments to the claims are shown with added text underlined and with ~~deleted text in strikethrough~~.

The specification, as filed, fully supports each amendment; therefore, the amendments have not introduced new matter. Support for the amendments can be found throughout the specification and specifically at, for example, ¶¶ [0006], [0022] (container), [0024] and [0046] (measuring device), [0036] (mixer), and [0050] – [0056] (temperature control unit).

Claim 13, As Amended, Is Not Objectionable

The Examiner has objected to Claim 13 because it recites a “mixer 304.” Applicants have deleted the reference to drawing element 304, thereby clarifying, rather than narrowing, this claim. Accordingly, Applicants respectfully request that the Examiner withdraw this objection.

Claims 1 and 19, As Amended, Are Not Indefinite

The Examiner has rejected Claims 1 and 19 under 35 U.S.C. § 112, ¶2, as being indefinite in their recitation of “capable of.” As set forth above, Applicants have amended Claims 1 and 19 to remove the objected-to use of the phrase “capable of.” Claims 1 and 19 now recite “a container,” and Claim 1 also recites “a measuring device” and “a mixer.” These amendments clarify, rather than narrow, these claims. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection.

The Cited Reference Does Not Anticipate the Claims as Amended

The Examiner has rejected at least one unidentified claim as anticipated under 35 U.S.C. § 102(b), by WO02/06160 to Ciampi et al. Because the Examiner’s explanation of this rejection refers only to the elements recited in Claim 20, Applicants understand this rejection as applying to Claim 20, only.

Appl. No. : **10/647,137**
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Applicants have amended Claim 20, as shown above. Specifically, Applicants have amended Claim 20 to recite “a temperature control unit connected to [the] reaction chamber through a valve wherein [the] ferrate flows through said temperature control unit when said valve is open, but said ferrate does not flow through said temperature control unit when said valve is closed.” WO02/06160 does not teach a temperature control unit connected to a reaction chamber through a valve wherein the ferrate flows through the temperature control unit when the valve is open, but the ferrate does not flow through the temperature control unit when the valve is closed. Accordingly, WO02/06160 does not anticipate Claim 20, as amended.

Applicants also direct the Examiner’s attention to the International Preliminary Examination Report (IPER) for International Patent Application No. PCT/US2004/025978. This international application corresponds to the present application, and this IPER was submitted as Citation No. 12 in Applicant’s April 12, 2006 Information Disclosure Statement in the present application. In this IPER, the European Patent Office, serving as the International Preliminary Examining Authority, concluded that “[t]he subject matter of present claim 1 differs from the device known from D1 . . . in that the temperature controlled unit is connected to the reaction chamber through a valve,”¹ IPER at page 5. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection.

Claims 1-20 are Not Obvious Over the Cited Reference

The Examiner has rejected Claims 1-20 as obvious under 35 U.S.C. § 103(a), over the same reference, WO02/06160. The Examiner has stated that this reference “fairly teaches and suggests applicant’s device for the synthesis of ferrate with the exception of the drain.” The Examiner has also stated that this feature would be obvious given the goal of synthesizing the ferrate proximal to the site of use.

Applicant’s have amended independent Claims 1 and 20 to recite a “a temperature control unit connected to said reaction chamber through a valve wherein said ferrate flows through said temperature control unit when said valve is open, and said ferrate does not flow through said temperature control unit when said valve is closed” Independent Claim 19, as amended, and new independent Claim 20, both employ means-plus-function language for this element, and recite:

¹ Reference D1 is the U.S. published patent application corresponding to WO02/06160.

Appl. No. : **10/647,137**
Filed : **August 21, 2003**

“means for controlling temperature of said ferrate, wherein said means for controlling temperature is connected to said reaction chamber through a valve and wherein said ferrate flows through said means for controlling temperature when said valve is open, and said ferrate does not flow through said means for controlling temperature when said valve is closed.”

The sole reference relied upon by the Examiner, WO02/06160, does not teach or suggest a temperature control unit connected to a reaction chamber through a valve, wherein the ferrate flows through the temperature control unit when the valve is open, and the ferrate does not flow through the temperature control unit when the valve is closed. Thus, while WO02/06160 does contain some recitation of a temperature control unit (*e.g.*, ¶¶ 90, 117, 128, 133, 139), it does not suggest the temperature control unit as recited in the pending claims.

Moreover, Applicants again direct the Examiner’s attention to the IPER for International Patent Application No. PCT/US2004/025978, submitted as Citation No. 12 in Applicant’s April 12, 2006 Information Disclosure Statement in the present application. In this IPER, the European Patent Office, serving as the International Preliminary Examining Authority, concluded that “D1 fails to indicate that the said temperature control unit operates, or is connected to the said valve (*see* D1 fig. 3 number 307)” and that “[t]he temperature control unit of present claim 1 can be seen as an optimization of the process of D1, as it solves the technical problem of achieving a more efficient temperature adjustment than in D1.”² IPER at page 5. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the pending claims are in condition for allowance. If, however, some issue remains that the Examiner feels can be addressed by Examiner Amendment, the Examiner is cordially invited to

² Reference D1 is the U.S. published patent application corresponding to WO02/06160.

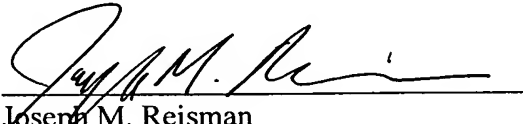
Appl. No. : 10/647,137
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call the undersigned for authorization. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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